

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

IN RE:	§	
	§	
	§	
WINNING SOLUTIONS	§	CASE NO. 21-60050-H4
REAL ESTATE, LLC	§	
	§	
DEBTORS.	§	CHAPTER 7

JOINT STIPULATION AND AGREED ORDER

COMES NOW, Chapter 7 Trustee, Randy Williams, Winning Solutions Real Estate, LLC, and creditors VeraBank, N.A. (f/k/a Citizens National Bank), Capital One, N.A., Signature Bank of Georgia, N.A. (collectively “Lenders”) hereby enters into this joint stipulation and agreed order and would represent to the Court as follows:

1. Winning Solutions Real Estate, LLC (hereinafter “Debtor”) filed for Chapter 7 bankruptcy on May 13, 2021.
2. Randy Williams (hereinafter “Trustee”) was appointed the Chapter 7 Trustee on May 27, 2021 (Docket No. 12).
3. Debtor has interest in the following properties (collectively the “Properties”): 701 Roosevelt Ave., Selma, AL 36701 (the “Alabama Property”); 225 East Loop, Teague, TX 75860 (the “Texas Property”); and 12190 Plank Rd., Baton Rouge, LA 70811 (the “Louisiana Property”).
4. Dollar General, Dollar Tree, and Family Dollar (collectively “Tenants”) are the current tenants on the properties. Each tenant is paying monthly rent into the Debtor’s depository accounts with the Lenders.
5. **Alabama Property.** Debtor made and executed a Real Estate Note (the “**SBG Note**”) dated June 6, 2016, to Signature Bank of Georgia (“SBG”) in the original principal amount of

\$568,125.00, which is secured by the Mortgage, Assignment of Rents and Leases and Security Agreement dated June 6, 2016 (the “**SBG Mortgage**”), recorded at Deed Book 1540, Page 399, in the real estate records of Dallas County, Alabama. Based on the foregoing, SBG holds a first-in-priority security interest in the Alabama Property. Dollar General, as a commercial tenant, leases the Alabama Property, from Debtor, as landlord. The monthly amount paid by Dollar General to lease the Alabama Property is \$5,359.00. Prior to the Petition Date, SBG automatically withdrew the Debtor’s monthly loan payment of \$3,252.06 due under the Note from the Debtor’s SBG account ending in 1779 (the “SBG Account”). SBG further periodically debited funds to pay real estate taxes and exterior maintenance for the Alabama Property from the SBG account.

6. On or about June 1, 2021, Dollar General deposited monthly rent of \$5,359.00 into the SBG Account, but SBG has not withdrawn any funds from the SBG Account since the Petition Date. SBG seeks relief to permit Dollar General to continue depositing monthly rent into the SBG Account during the pendency of the Debtor’s above-styled bankruptcy proceeding until further order of the Court. SBG further seeks relief to apply the monthly rent paid by Dollar General to amounts due and owing under the Note and Mortgage, including without limitation, principal, interest, fees, costs, expenses, taxes, Property taxes, and Property maintenance, upkeep, and preservation, beginning in June 2021, and continuing each month going forward until further order of the Court. Trustee consents to permit SGB to continue to automatically debit the SBG account for this purpose. Trustee also consents to signing standard documentation to facilitate the automatic debiting of the SBG Account.

7. **Texas Property.** Dollar Tree is the tenant on the property located at 225 East Loop, Teague, TX 75860. The monthly rent for this property is \$6,570.84. Debtor executed and delivered a promissory note dated August 15, 2016, payable to VeraBank, N.A. (f/k/a Citizens National

Bank), for the principal amount of \$720,000.00, which is secured by a Deed of Trust against the Teague, Texas property. The Deed of Trust also included an assignment of all rents, rights, and interests to VeraBank, N.A. (f/k/a Citizens National Bank).

8. Tenant continues to pay monthly rent of \$6,570.84 directly to VeraBank, N.A. (formerly known as Citizens National Bank) and VeraBank, N.A. desires to continue to collect the rent. VeraBank, N.A. also desires to apply the rents from the month of June 2021 and each month going forward to the underlying debt owed to VeraBank, N.A. Trustee consents to allow VeraBank, N.A. to continue to collect the rent from the Teague, Texas property and to apply it to the underlying secured claim.

9. **Louisiana Property.** Family Dollar is the tenant on the property located at 12190 Plank Rd., Baton Rouge, LA 70811. The monthly rent for this tenant is \$10,541.67. Debtor executed and delivered a promissory note dated August 31, 2016, payable to Capital One, in connection with a loan in the amount of \$1,134,166.00, which is secured by a Multiple Indebtedness Mortgage. The mortgage also included an assignment of all rents, rights, and interests to Capital One.

10. Tenant continues to pay monthly rent of \$10,541.67 into a deposit account. Capital One automatically debits the deposit account for payments due under the promissory note and Capital One desires to continue doing so. Capital One also desires to apply the rents from the month of June 2021 and each month going forward to the underlying debt owed to Capital One. Trustee consents to allow Capital One to continue to automatically debit the Debtor's deposit account. Trustee also consents to signing standard documentation to facilitate automatic debiting of the Debtor's account with Capital One.

IT IS ORDERED, in consideration of the foregoing recitals, which are incorporated into this Joint Stipulation and Agreed Order, the Parties stipulate and agree that:

- (1) The monthly rents paid by the Tenants on the Properties may be delivered to Lenders and applied to the underlying debts owed to Lenders,
- (2) Lenders are authorized to automatically debit the Debtor's Deposit Accounts for payments owed to Lenders,
- (3) Debtor, through its authorized representative the Trustee, is authorized to sign standard documentation to facilitate such automatic debiting of the Debtor's depository accounts with the Lenders, and
- (4) Lenders shall provide Trustee, Debtor, and Trustee's counsel with a quarterly accounting of such automatic debits of the Debtor's depository accounts with the Lenders and the rents collected and applied to the respective loans.

SIGNED this ____ day of _____, 2021.

CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND SUBSTANCE:

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